

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS

FARRELL LOEBBAKA, as Next of Kin and)	
Special Administrator of the Estate of)	
WAYNE LOEBBAKA, Deceased,)	
)	
Plaintiff,)	
)	No.
v.)	
)	
FEDEX GROUND PACKAGE SYSTEM, INC.)	
a Corporation, and TERRY MILLIKAN,)	
Individually and as Agent of FEDEX GROUND)	
PACKAGE SYSTEM, INC., a Corporation,)	
)	
Defendants.)	

NOTICE OF REMOVAL

NOW COME Defendants FEDEX GROUND PACKAGE SYSTEM, INC. and TERRY MILLIKAN, by and through their attorneys, WIEDNER & McAULIFFE, LTD., and pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, seeks removal of the above-captioned case from the Circuit Court of Cook County, Illinois to the United States District Court for the Northern District of Illinois. In support thereof, Defendants state as follows:

1. This is a civil action over which this Court has original jurisdiction pursuant to 28 U.S.C. § 1332(a) and is therefore removable pursuant to 28 U.S.C. § 1441(a).
2. On October 13, 2016, Plaintiff Farrell Loebbaka filed a civil action against FedEx Ground Package System, Inc. and Terry Millikan in the Circuit Court of Cook County, Illinois Law Division under docket number 16 L 10170 which is titled *Farrell Loebbaka, as Next of Kin and Special Administrator of the Estate of Wayne Loebbaka, Deceased v. FedEx Ground Package System, Inc., et al.* (See First Amended Complaint at Law, attached as **Exhibit 1**).
3. Plaintiff's lawsuit arises out of a motor vehicle collision involving a tractor-trailer and a motorcycle that occurred at the intersection of 95th Street and 76th Street, Hickory Hills,

Cook County, Illinois on 95th Street in Hickory Hills, Cook County, Illinois on October 5, 2016 Plaintiff's Complaint alleges that as a result of the collision, Plaintiff's Decedent Wayne Loebbaka "died as a result of the collision between his motorcycle and the semi-truck of the Defendants on October 5, 2016." See **Exhibit 1, Count I, ¶7.**

4. In addition, Plaintiff's Complaint alleges that:

"WAYNE LOEBBAKA, Deceased, left as survivor his natural brothers, CHRISTOPHER LOEBBAKA, FARRELL LOBBKA, and JUSTIN LOEBBAKA. As a result of WAYNE LOEBBAKA's death, CHRISTOPHER LOEBBAKA, FARRELL LOBBKA, and JUSTIN LOEBBAKA, have sustained pecuniary loss as a result of WAYNE LOEBBAKA's death, including loss of his society, companionship, love and affection." See **Exhibit 1, Count I, ¶11.**

"The Plaintiff's motorcycle was greatly damaged, depreciated and reduced in value, and Plaintiff has been caused to expend, and/or become liable for, large sums of money as a result thereof. Further, Plaintiff was, for a long period of time, deprived of the use of said motor vehicle." See **Exhibit 1, Count II, ¶12.**

(Ex. 1, Count 2, ¶10).

5. FEDEX GROUND PACKAGE SYSTEM, INC. was served on October 24, 2016 (See Service of Process Transmittal by CT Corporation attached as **Exhibit 2**).

6. Terry Millikan was served on November 1, 2016.

7. Defendants' removal is timely because it was filed within thirty days of October 24, 2016. 28 U.S.C. § 1446(b).

8. Removal to the United States District Court for the Northern District of Illinois, Eastern Division is proper under 28 U.S.C. § 1441(a) because it includes Cook County. 28 U.S.C. § 93(a)(1).

GROUND FOR REMOVAL

9. Under 28 U.S.C. Section 1332(a), diversity jurisdiction exists when a cause of action is between citizens of different states and the amount in controversy exceeds \$75,000.00

exclusive of interests and costs.

10. Plaintiff is a citizen of Illinois.

11. Terry Millikan is a citizen of Indiana.

12. FEDEX GROUND PACKAGE SYSTEM, INC, Inc. Delaware Corporation with its principal place of business is in Moon Township, Pennsylvania.

13. FEDEX GROUND PACKAGE SYSTEM, INC, and Terry Millikan consent to removal of this action.

14. Counsel for Plaintiff has confirmed to counsel for Defendants that Plaintiff is seeking in excess of \$75,000 in damages.

15. Accordingly, because the amount in controversy exceeds \$75,000.00 exclusive of interest and costs, and is between citizens of different States, this is an action over which this Court has original subject matter jurisdiction pursuant to 28 U.S.C. § 1332(a)(1). Defendants, therefore, are entitled to remove this action pursuant to 28 U.S.C. §§ 1332(a) & 1441(a).

16. As required under 28 U.S.C. § 1446(d), Defendants will immediately file a copy of this Notice with the Clerk of the Circuit Court of Cook County, Illinois and will serve a copy of same upon Plaintiff's counsel.

17. This notice of removal is signed pursuant to Federal Rule of Civil Procedure 11 as required by 28 U.S.C. § 1446(a).

Respectfully submitted,

WIEDNER & McAULIFFE, LTD.

By: /s/ C. Zachary Vaughn
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